Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-36 are pending in the application, with claims 16, 20, and 21 being the independent claims. Claims 1-15 were previously cancelled without prejudice to or disclaimer of the subject matter therein. New claims 37 and 38 are sought to be added. Claims 16 and 20 are sought to be amended. Support for the new claims and amendments is found in the instant specification at least at, for example, paragraphs [0009], [0033], [0083], [0084], [0089], [0105], [0124] and [0133] and FIGs. 15 and 16 of U.S. Publication No. 2005/0021491 A1 to Horgan. These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicant reserves the right to prosecute similar or broader claims, with respect to the cancelled and/or amended claims, in the future.

The Examiner is thanked for the indication on page 4 of the Office Action of allowable subject matter found in claims 21-36.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Applicant submits the following Statement of Substance of Interview conducted between the Examiner and Applicant's representative, Randall K. Baldwin, on March 26, 2010. Applicant's representative gratefully acknowledges the courtesies extended to him by the Examiner in granting a telephone interview on March 26, 2010. During the Interview, the Examiner clarified her comments regarding her interpretation of the

teachings of the applied reference. In particular, the Examiner clarified her comments regarding independent claims 16 and 20 and her interpretation of the teachings of Lunteren. Applicant's representative discussed distinctions between claims 16 and 20 and the applied reference. Applicant's representative additionally discussed allowed claim 21 and suggested claim language to convey the aforementioned distinctions between the applied reference and claims 16 and 20. While no agreement was reached on specific claim language, the Examiner generally agreed that proposed amendments to further clarify the operation of the pre-processor recited in claim 16 would likely overcome the rejection under 35 U.S.C. § 102 of this claim. Additional substance of the discussion and arguments in the Interview is included in the present remarks.

Rejection under 35 U.S.C. § 102

Claims 16-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Publication No. 2002/0191605 A1 to Lunteren *et al.* ("Lunteren"). Applicant respectfully traverses the rejection for the reasons stated below.

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984).

Claims 16 and 20

Without acquiescing to the propriety of the rejection, Applicant has amended claims 16 and 20 for other reasons and to expedite prosecution. Independent claims 16 and 20 recite features that distinguish over Lunteren.

As discussed during the aforementioned telephonic interview, Applicant has amended independent claim 16 to further clarify the operation of the recited pre-processor. Specifically, Applicant has amended claim 16 to recite at least the feature of "a pre-processor configured to: assign an associated identifier to a field within a header of an incoming packet; and *store the associated identifier within a header array*." By way of example and not limitation, Applicant's specification describes a non-limiting embodiment wherein "[a] preprocessor . . . formats classification records of incoming packets and writes several fields of the classification records to the header array." (Applicant's Published Application, paragraph [0124]).

With reference to claim 16, the Examiner asserts, which Applicant does not acquiesce to, that Lunteren teaches "a pre-processor configured to assign an associated identifier to a filed within a header of an incoming packet" and "a processor configured to match the associated identifier with one or more patterns from either the first set of binary patterns or the second set of binary patterns using a range of values associated with each of the first set of binary patterns and the second set of binary patterns." (Office Action, pages 2-3). Lunteren describes a "device . . . for classifying data packets" wherein "[a]fter receipt of a packet . . . control logic 2 identifies the data values for the various dimensions . . . and then accesses memory 4 to retrieve, from the appropriate tables for each dimension, the basic range identifier corresponding to each of these values . . . to identify the highest priority rule which applies to the data packet." (Lunteren, paragraphs [0069] and [0070]). Lunteren further discloses that "[t]he control logic 2 is further connected to *memory 4 for storing* various *data involved in the packet classification process, in particular data defining the rule set, the lookup tables for the basic ranges and basic range ID sets* in different dimensions, and data defining the

primitive range hierarchy in each dimension." (Lunteren, paragraph [0067]) (emphasis added). However, nowhere does Lunteren teach or suggest a pre-processor configured to store the associated identifier within a header array, as recited in claim 16. As discussed during the aforementioned interview, Applicant submits that Lunteren's device which stores data and lookup tables involved in the packet classification process in a memory is not analogous to a pre-processor configured to: assign an associated identifier to a field within a header of an incoming packet; and store the associated identifier within a header array, as recited in amended claim 16.

Therefore, Lunteren does not teach or suggest at least the capability of storing "*the associated identifier within a header array*," as recited in claim 16.

As discussed during the aforementioned interview, without conceding the propriety of the stated rejection, the Applicant has amended claim 20 as indicated below to further clarify the recited method for packet classification.

For example, claim 20 as amended herein recites, among other features, "assigning an associated identifier to a field within a header of an incoming packet" and "***storing the associated identifier within a header array***." Thus, independent claim 20 as amended herein recites a substantially similar feature as independent claim 16 that is likewise not taught or suggested by Lunteren.

On pages 3-4 of the Office Action, claim 20 is rejected based on similar rationale as applied to claim 16. As discussed above, claim 20 as amended herein recites a method with distinguishing features similar to claim 16, and thus is patentable over Lunteren for similar reasons as discussed above.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 20, and it be found allowable over the applied reference.

Consequently, Lunteren cannot anticipate independent claims 16 and 20. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 16 and 20, and find these claims allowable over the applied reference.

Claims 17-19

At least based on their respective dependencies to claim 16, claims 17-19 should be found allowable over the applied reference, as well as for their additional distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Accordingly, Applicant respectfully requests that the rejection of claims 17-19 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Newly Presented Claims 37 and 38

Claims 37 and 38 are added to provide Applicant with additional scope of protection commensurate with the disclosure. Support for these claims is found in the specification at least at, for example, paragraphs [0009], [0033], [0083], [0084], [0089], [0105], [0124] and [0133]. No new matter has been added. Claims 37 and 38 depend from claims 16 and 20, respectively. Applicant respectfully submits that claims 37 and 38 are allowable for at least the reasons discussed above with regards to claims 16 and 20. Thus, these dependent claims are allowable for at least the same reasons discussed above and further in view of their own respective features. Reasons for the entry and allowance of new claims 37 and 38 have been presented, above. Applicant respectfully requests the entry and allowance of claims 37 and 38.

Allowable Subject Matter

Applicant acknowledges with gratitude the Examiner's indication of the allowable subject matter in claims 21-36.
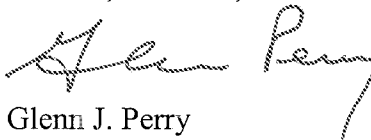
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Glenn J. Perry
Attorney for Applicant
Registration No. 28,458

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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